

Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507



Docket

Tuesday, April 24, 2018

1:00 PM

Council Chamber

Environmental Quality and Public Works Committee

Committee Agenda

- [0439-18](#) Committee Summary: Environmental Quality & Public Works, February 20, 2018
- [0440-18](#) Glass Recycling
- [0441-18](#) Electronic Billboards
- [0442-18](#) MS4 Update Pursuing Illicit Discharges to Resolve an Enforcement Action
- [0443-18](#) Proposed Public Works Skills Academy
- [0444-18](#) Items Referred to Committee

Adjournment



Lexington-Fayette Urban County Government

Master

200 E. Main St
Lexington, KY 40507

File Number: 0439-18

File ID: 0439-18

Type: Summary

Status: Received and Filed

Version: 1

Contract #:

In Control: Council Office

File Created: 04/19/2018

File Name: EQPW February 20, 2018 Committee Summary

Final Action: 04/24/2018

Title: Committee Summary: Environmental Quality & Public Works, February 20, 2018

Notes:

Sponsors:

Enactment Date:

Attachments: 02 20 2018 Environmental Quality Public Works Summary, Official Tree Resolution

Enactment Number:

Deed #:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Urban County Council Work Session	04/24/2018	Received and Filed				

Text of Legislative File 0439-18

Title

Committee Summary: Environmental Quality & Public Works, February 20, 2018



Environmental Quality & Public Works Committee
February 20, 2018
Summary and Motions

Chair Farmer called the meeting to order at 1:04 p.m. Committee Members Stinnett, Moloney, Gibbs, Evans, F. Brown, Worley, Mossotti, Bledsoe, and Plomin were present. Council Members Smith, Lamb, and Henson were also in attendance as non-voting members.

I. Approval of Committee Summary – January 23, 2018

A motion was made by CM Mossotti to amend the January 23, 2018 Environmental Quality & Public Works Committee Summary to add that public notification of consumer price index changes under the Chapter 16 Code of Ordinances will be posted on the city's website, seconded by CM F. Brown. The motion passed without dissent.

A motion was made by CM Plomin to approve the January 23, 2018 Environmental Quality & Public Works Committee Summary (as amended), seconded by CM Mossotti. The motion passed without dissent.

II. Keep Lexington Beautiful

CM Henson introduced the item, providing a brief background. Amy Sohner presented the item. She highlighted the mission, makeup, and priorities of the Keep Lexington Beautiful Commission. She said Keep Lexington Beautiful is an affiliate of Keep America Beautiful and one of the requirements for the program is the Community Appearance Index that takes place in March every year. She explained how they use a litter reporting heat map. She discussed how the Great American Cleanup is a way to get people in the community involved with cleaning up the neighborhoods and how successful the program has been. She said this is not something Keep Lexington Beautiful does; it is a community-led initiative. She explained the cigarette litter prevention program they have implemented, which is a grant program allowing them to purchase 32 ash urns. She said Parks and Recreation installed them in various places like parks and downtown. She discussed the community tree planting project on Polo Club Boulevard where 35 native tree varieties were planted and 32 sumac shrubs were planted as well for added variety and texture. She reviewed the various ways they do outreach and offer support in the community and she explained how most of their funding is through grants. Finally, she displayed their annual budget and outlined their 2018 goals.

CM Plomin commented on the litter-bug program and asked how litter complaints are made and if those calls can go through 311. Sohner said you can call 311 or Bluegrass Greensource, but complaints cannot be reported on the LFUCG website. Plomin asked if someone would be sending a letter out and Sohner said they are not sending letters anymore.

CM Mossotti expressed appreciation for the work done with this program, she commented on previous support from Glad for the Great American Cleanup, and she asked if we still have a corporate partner we work with. Sohner said Keep America Beautiful provides bags and the city provides Bluegrass Greensource with bags, gloves, rakes, and litter pickers. She added that Lowe's provided Keep Lexington Beautiful with a leaf blower and a weed trimmer which are housed at Bluegrass Greensource. She said participants in the Great American Cleanup can go to the Bluegrass Greensource office and check those items out. Susan Plueger, Director of Environmental Policy, said there is money in their operating budget for supplies they would need and she explained a couple of other ways the city offers support. She said from working with the Corridors Commission and the Breeders' Cup Beautification Project, there is an opportunity to reach out to corporations in Lexington who want a group to partner with, but they do not know where to go.

CM F. Brown asked about coordinating with the homeless population since we pick them up and give them jobs and he asked if any of this is coordinated with the city's litter pick-up efforts. Plueger explained how the litter efforts are coordinated with fundraising. She said the panhandling program now is completely focused on litter pick-ups. CM F. Brown asked about intersections with turn lanes where there are cigarette butts and he asked if a

vacuum is needed for those areas. Plueger explained that the city has handheld vacuums and one that goes on the back of a pick-up truck which would require traffic control. She said the quickest way to pick them up is by sweeping them into a shovel. She said if a buildup of cigarette butts is seen to call 311 or Bluegrass Greensource and report it so they can have it cleaned up. F. Brown asked if there are portable ash urns that could be moved around. Sohner said the ones that have been purchased so far are stationary. She said they receive pocket ash trays and auto ash trays from Keep America Beautiful and said those are passed out at special events.

CM Henson asked about the litter index and if that information is shared with the council members. She said there is the map that shows where there are large amounts of litter. She said it would be good if we could share this with council members in case they have volunteer groups who want to help. She said the need is higher in some areas than others. Sohner said it is the city's GIS division who create the maps and those can be sent to all of the council members.

CM Gibbs asked when the program for sending letters to litter bugs was discontinued. Sohner said it has been 3 or 4 years since the letters have been sent. She said the person who sent the letters worked for the police department and since that person retired, they have been unable to continue it. She said they had an agreement with the Sheriff's office to send the letters, but a few years ago the Sheriff said she no longer had the resources to continue. Sohner said at one time the city agreed to fund this service through the litter money, but she is unsure if that offer is still on the table. She said along with CM Henson, she has met with members of Public Safety regarding this, but they were unable to find a way to continue this effort.

CM Moloney said the majority of the problem is the people who are actually littering. He said we need to find a way to enforce this and penalize people who litter. He said it would be great if money taken in from fining litter bugs could be used to help this program. He called on the administration to look into this. Glenn Brown, Deputy Chief Administrative Officer, said he believes in order to enforce this, police officers have to witness an individual in the act of littering. Brown said his office will meet and discuss this with the new chief of police and Plueger. CM Moloney said there should be a way around an officer having to witness this each time it happens, suggesting a phone camera as an option. Sohner pointed out what the KRS states regarding the funds that come from litter citations. She said a portion goes to the division that cites individuals and a portion goes to the city which is currently given to Keep Lexington Beautiful. CM Henson said they lobbied for legislation and tried to make this a civil issue. She said the intent was that if a fine was not paid, the person had to go to court. She said there isn't a lot of leverage the way it is written.

CM Farmer requested that when they have useful information available to send it to Council so it can be included in newsletters as a way to get the word out to constituents. Sohner said to be looking for something from the Great American Cleanup.

No further comment or action on this item

III. Lexington's Official Tree

CM Gibbs provided a brief background on the item and explained that this committee looked at this same resolution last month and vetted it pretty well. He said the resolution was sent back to the Tree Board for a final review and they made 2 additions to the resolution.

A motion was made by CM Gibbs to approve Lexington's Official Tree Resolution, seconded by CM Plomin. The motion passed without dissent.

CM Bledsoe commented during the motion and suggested that we do an educational piece with the Bur Oak as a way for others to discover the history. Angela Poe, Program Manager with Environmental Quality and Public Works, said there is a project in the works where students of the Citizens' Environmental Academy are creating a tree crutch for the Bur Oak in McConnell Springs. She said there will be a kick-off party for that. She said the crutch

is a way to support it as it gets older and hollowed out which will help it last for many years to come.

IV. Traffic Signal Cabinet Artistic Wrap Program

CM Bledsoe introduced the item and explained how this would be a good idea for areas around town where you could create a theme in a neighborhood or along a street using utility box art. She said we have worked with groups to see what the process would be for a private entity to create an artistic wrap. Angela Poe, Program Manager with Environmental Quality and Public Works, presented the item. She explained how this is an opportunity to add more art throughout the community because these boxes are at every intersection where there is a street light and there are approximately 400 in Lexington. She said the media has run several stories about these and it has been really well received and generated interest. She outlined the process they are proposing for individuals who are interested in installing an artistic wrap. She discussed the Urban County Arts Review Board (UCARB) and their approval process, as well as a few additional steps that involve the division of Traffic Engineering and Kentucky Transportation Cabinet. She discussed installation requirements and reviewed the cost estimates.

CM F. Brown said he likes the project idea and discussed how he remembers hearing about this a few years ago while on a Chamber trip. He asked if Traffic Engineering has a say in this procedure and the content that is put on these wraps. Poe explained the difference in responsibilities for Traffic Engineering and UCARB throughout the approval process. F. Brown said his concern was with content and that people might have differing views about what might be considered art. Chad Edwards, Attorney with the Law Department, explained the purpose of UCARB and said they have a review process they go through in determining which artwork to put in public places. CM F. Brown said he is concerned about whether Council would have a say in this because he would like to know what art will be going up in his district. CM Bledsoe explained that early on in the process, citizens would be encouraged to get input and approval from council members, neighborhood associations, and adjacent property owners who might be impacted by the art. CM F. Brown asked if council members would know when art is coming to their districts and Poe said if a concept is brought to her, she will make sure the council member in the appropriate district is made aware.

CM Gibbs asked for clarification on the removal of the wraps and if they will last seven years. Poe said according to the vendor we are currently using, they will stay in place up to seven years. She said they feel like the \$50 will cover the costs for taking them down as it will be a simple process. CM Gibbs asked for different scenarios on how the artwork would be generated; whether it would be a competition for artists or a database of art. Poe said they have not talked about setting up a database, but it is something we could explore. She said generally it would be generated by the neighborhood because they want it to be a reflection of the neighborhood. CM Gibbs asked how much artists would be paid. Poe said she does not know, but she noticed one city has a program that required the artist be paid, but there was no minimum requirement.

CM Evans commented about the cost and how that could be difficult for some neighborhoods to afford. She said she thinks this seems unfair for neighborhoods who can't afford it. She asked what other cities are doing to pay for this. CM Bledsoe said that some cities sponsored these projects, but we wanted to start with a zero-cost to the city option to see if they would be well received and see how much interest there was. She said there is an option to do an NDF for neighborhoods and there are other options, but we wanted to start with a no-cost option before exploring those. CM Evans said she thinks this will be well received, but she feels like there would be an equity issue. Poe said this is another reason to inform the council member because they may have ways to acquire additional funding. She said she will work with interested parties to look for additional funding if it is not readily available.

CM Mossotti said she likes the idea but she is concerned about the content. She asked, for example, if a church wants to have a religious piece or a business wants to advertise their company, how that would be determined. Poe confirmed that UCARB would make these decisions.

CM Worley commented on funding options and asked if they looked into grant funding. He also asked if there has been any communication with the District 7 office regarding state roads. David Filiatreau with Traffic Engineering said they spoke with District 7 on a previous project and they gave a list of what was not allowed such as reflective material, and wording faced away from oncoming traffic. CM Worley asked if they explained their approval process including timelines. Filiatreau said they did not, but their process would be through issuing a permit.

CM F. Brown asked about advertising content. Poe said she does not believe UCARB would allow that.

CM Bledsoe said this could be a corridors project using art as a way of cleaning up and beautifying areas. She said we might also want to consider working with VisitLex if we wanted to use a blue horse like we used at the bus stop at Harrodsburg Road and Corporate Center Drive as it may be less expensive. She said these wraps are expensive, but there may be opportunities we can find that would drive the cost down.

CM Farmer commented during the motion about a traffic signal box in his district that was painted "Granville Green" to blend in with the surroundings rather than stand out. He asked how that would be contemplated in this process. Poe said theoretically you could design a wrap that is meant for the box to blend in rather than stand out. CM Farmer said the wraps cost \$2,000 and the only cost associated with painting a box is the paint that will be needed. He asked if there were other options to consider other than a wrap. Poe said she would look into this and follow up.

A motion was made by CM Bledsoe to accept the process for the traffic signal cabinet artistic wrap program to move forward, seconded by CM Gibbs, the motion passed without dissent.

V. Items Referred to Committee

A motion was made by CM Gibbs to remove the Lexington's Official Tree item from committee, seconded by CM F. Brown. The motion passed without dissent.

A motion was made by CM F. Brown to adjourn, seconded by CM Plomin. The motion passed without dissent.

The meeting was adjourned at 2:22 p.m.

KT 2.28.18

RESOLUTION NO. _____ - 2018

A RESOLUTION NAMING BUR OAK THE OFFICIAL TREE OF LEXINGTON.

WHEREAS, Lexington has continually demonstrated concern for and interest in the welfare of its tree canopy resulting in the designation of Tree City USA by the Arbor Day Foundation for 30 years, longer than any other Kentucky community; and

WHEREAS, bur oak is a species indigenous to Kentucky and an important part of Lexington's urban forest; and

WHEREAS, some significant bur oaks in Fayette County have been documented to be well over 300 years old and have stood as a testament in time to the early settlement of Lexington; and

WHEREAS, bur oaks were an important part of the lives of Native Americans and early pioneers; and

WHEREAS, over weeks of polling, survey participants resoundingly found bur oak to be the best representative tree species for Lexington's official tree; and

WHEREAS, designating bur oak as Lexington's official tree will raise awareness and encourage planting, conservation and preservation of this tree species;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That bur oak (*Quercus macrocarpa*) shall now and henceforth be the official tree of Lexington, Kentucky.

Section 2 – That this Resolution shall become effective on the date of its passage.

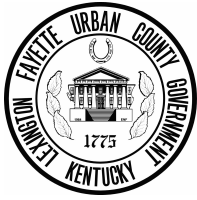
PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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Lexington-Fayette Urban County Government

Master

200 E. Main St
Lexington, KY 40507

File Number: 0440-18

File ID: 0440-18

Type: Committee Item

Status: Agenda Ready

Version: 1

Contract #:

In Control: Environmental
Quality and Public
Works Committee

File Created: 04/19/2018

File Name: Glass Recycling

Final Action:

Title: Glass Recycling

Notes:

Sponsors:

Enactment Date:

Attachments: Glass Recycling Update EQPW_REV2

Enactment Number:

Deed #:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 0440-18

Title

Glass Recycling

GLASS RECYCLING UPDATE

Environmental Quality and Public Works Committee
April 24, 2018



LEXINGTON

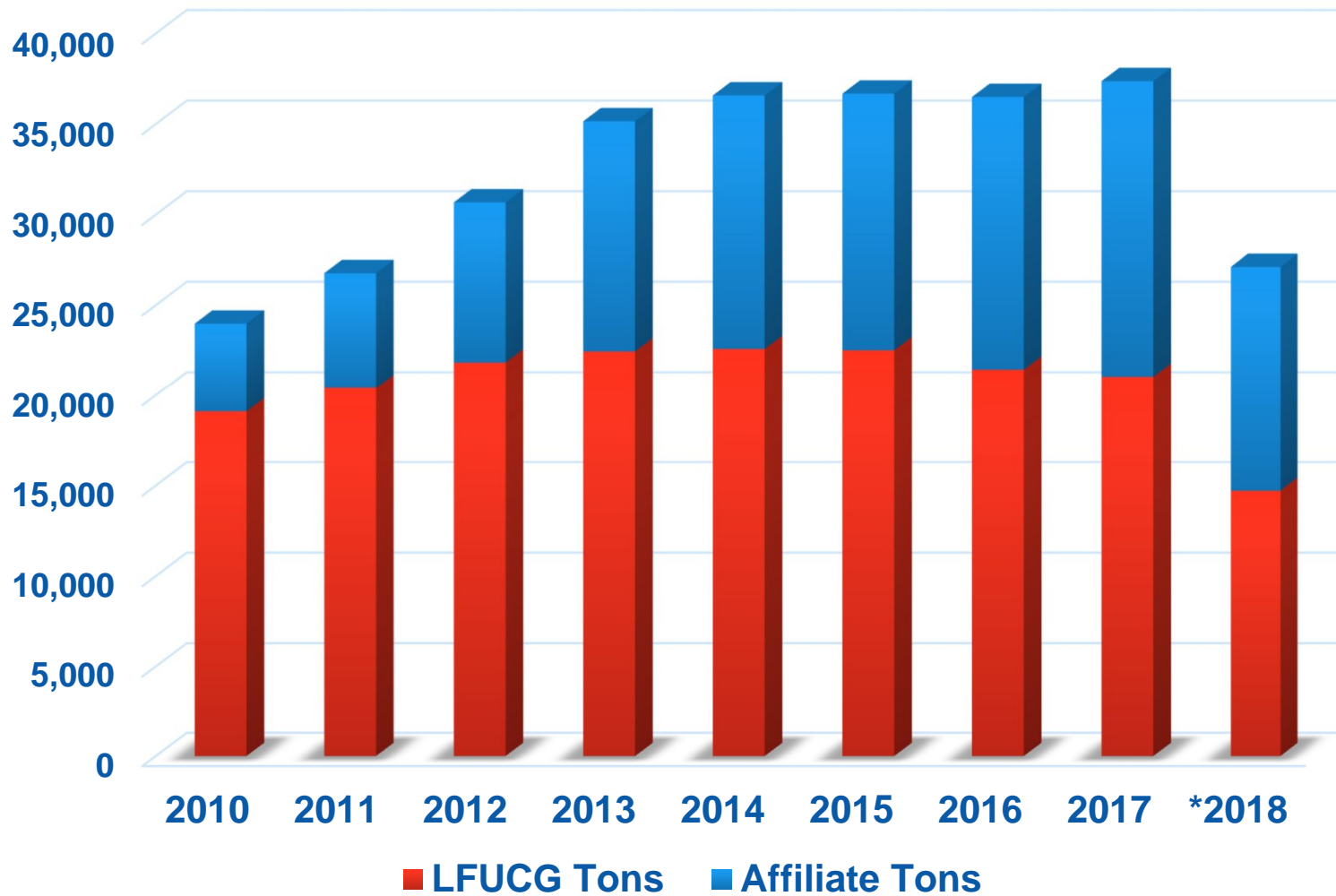


Presentation Outline

- Materials Recovery Facility (MRF) tons
- Glass collection types
- Glass processing types to reduce contamination
- Glass end uses
- Market value of recycled glass and scenarios
- Options for consideration

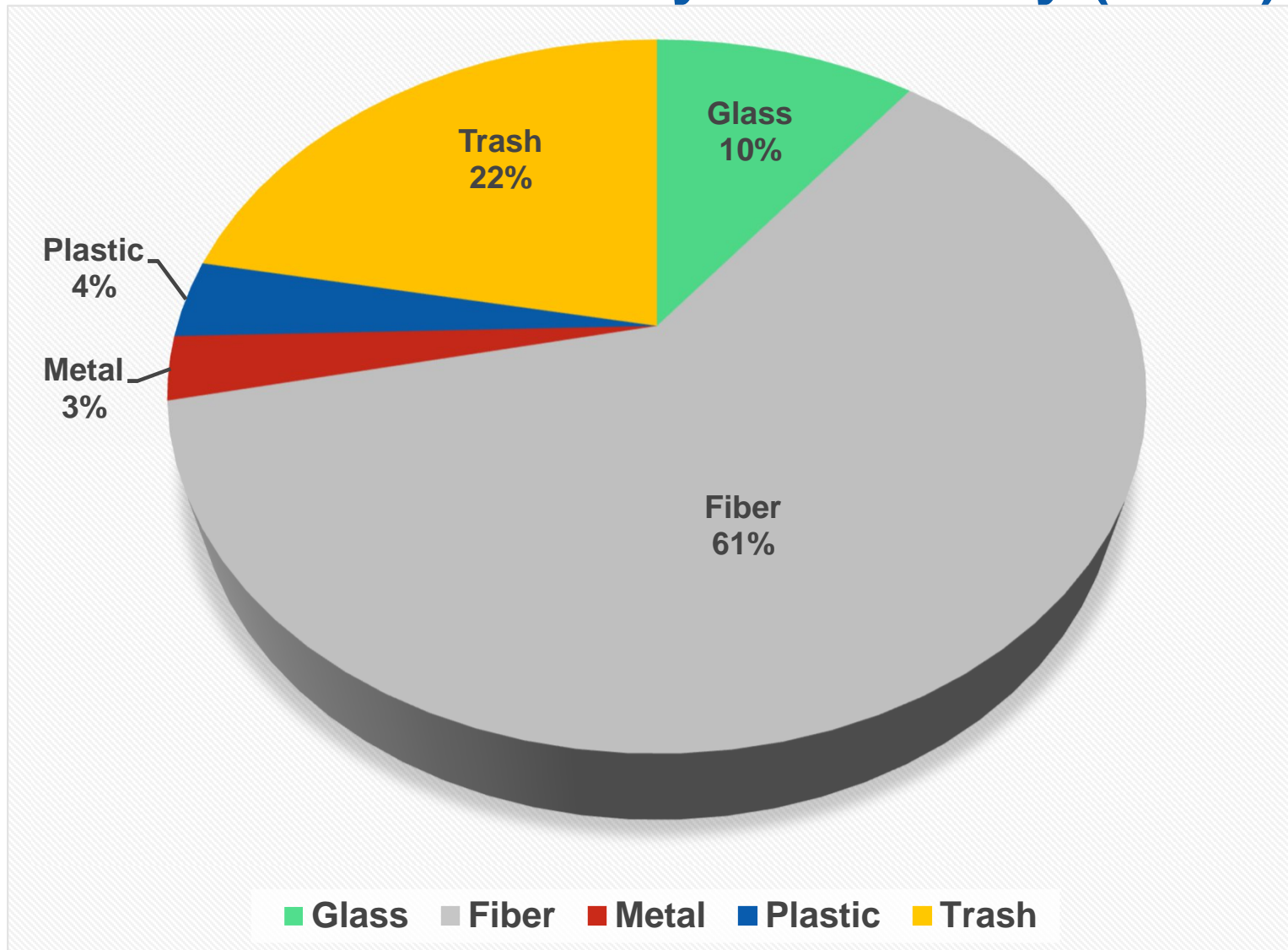


MRF Inbound Tons





MRF Outbound Tons by Commodity (FY17)





Glass Collection Types

- Single Stream Curbside (Commingling of all materials in one bin; 2010-present)
- Single Stream + Glass (Glass separate from other commodities; 2005-2010)
- Drop-off Location without Curbside Collection



Glass Processing Types to Reduce Contamination

- Air jets
- Additional screens for fines removal
- Secondary magnet and eddy current systems
- Glass crushing equipment
- Silo system for covered glass storage



Glass End Uses

- Glass cullet for new glass bottles
- Feedstock to manufacture sand blast medium
- Used as alternative daily cover for landfill
- Feedstock for fiberglass manufacturing
- Used as trench bedding material (our standards may not allow this)



Market Value of Recycled Glass

VALUE PER TON	QUALITY STANDARD	COST
\$0 (plus transport)	MRF with 50% contamination	Status Quo
\$9 (plus transport)	MRF with 10% contamination	~\$500,000
\$25 (plus transport)	Source Separated with <1% contamination	>\$250,000
\$175 (plus transport)	Market Ready Cullet	>\$4,000,000



Status Quo → MRF with 50% Contamination

VALUE PER TON	QUALITY STANDARD	COST
\$0 (plus transport)	MRF with 50% contamination	Status Quo

FY17 Glass Tons	3,869
Revenue from Sale	\$0
Transportation Cost @ \$15/ton	<u>(\$58,035)</u>
Net Revenue	(\$58,035)

For Comparison:

Cost to Landfill 3,869 tons	(\$74,479)
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50% Contamination



Scenario 1 → MRF with 10% Contamination

VALUE PER TON	QUALITY STANDARD	COST
\$9 (plus transport)	MRF with 10% contamination	~\$500,000

FY17 Glass Tons 3,869

Capital Investment \$500,000

Revenue from Sale @ \$9/ton \$34,821

Transportation Cost @ \$15/ton (\$58,035)

Net Revenue (\$23,214)

ROI on capital investment = 14.4 years; payback period exceeds useful life of equipment

** Analysis does not include operating costs or depreciation*



MRF CLEANED
10% Contamination



Scenario 2 → Source Separated

VALUE PER TON	QUALITY STANDARD	COST
\$25 (plus transport)	Source Separated with <1% contamination	>\$250,000

FY17 Glass Tons	3,869
Capital Investment (crusher/containers)	\$250,000
Revenue from Sale @ \$25/ton	\$96,725
Transportation Cost @ \$15/ton	<u>(\$58,035)</u>
Net Revenue	\$38,690

ROI on capital investment = 2.58 years; plus savings on wear & tear on MRF equipment

** Operating costs should be negligible in this scenario.*





Scenario 3 → Market Ready Cullet

VALUE PER TON	QUALITY STANDARD	COST
\$175 (plus transport)	Market Ready Cullet	>\$4,000,000

FY17 Glass Tons	3,869
Capital Investment	\$4,000,000
Revenue from Sale @ \$175/ton	\$677,075
Transportation Cost @ \$15/ton	<u>(\$58,035)</u>
Net Revenue	\$619,040

ROI on capital investment = 5.91 years

** Analysis does not include operating costs*

For Comparison:

Golf course sand (extra fine mortar) cost = ~\$24-\$30/ton





Options for Consideration

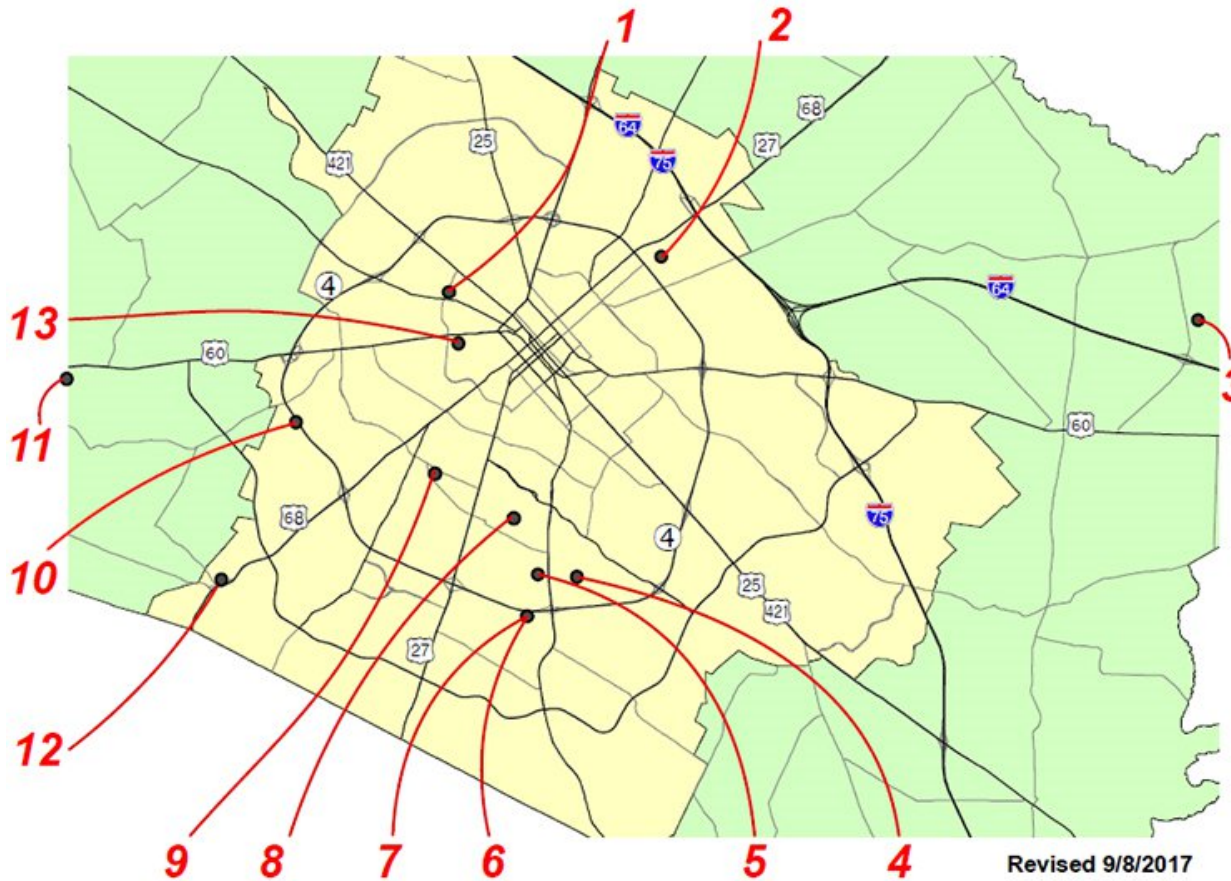
- Manufacture market ready cullet
 - Requires additional processing plant equipment and structure
 - ROI for capital investment is 5.91 years

- Shift to source separated glass collection
 - Eliminate curbside glass collection, install glass crusher and glass drop-off containers at the 13 existing recycling drop-off locations for residential customers
 - Closely coordinate with bars and other large glass generators and possibly collect on-site
 - ROI for capital investment is 2.58 years
 - If glass is removed from MRF processing, benefits include:
 - Decreased contamination rate of other commodities
 - Decreased wear & tear on equipment
 - Increased plant efficiency due to decreased plant down-time

- Eliminate glass collection and landfill

- Status Quo

Recycling Drop-Off Locations



1. Recycling Center
2. Constitution Park
3. Haley Pike Convenience Center
4. Chinoe Creek Apartments
5. Lansdowne Shoppes
6. Breckinridge Court Condos
7. The Oaks Condominiums
8. Crestwood Christian Church
9. Good Foods Market & Café
10. Beaumont Middle School
11. Baileys Carpet Barn
12. Palomar Reserve Condos
13. Electronic Recycling Center

Questions?





Lexington-Fayette Urban County Government

Master

200 E. Main St
Lexington, KY 40507

File Number: 0441-18

File ID: 0441-18

Type: Committee Item

Status: Agenda Ready

Version: 1

Contract #:

In Control: Environmental
Quality and Public
Works Committee

File Created: 04/19/2018

File Name: Electronic Billboards

Final Action:

Title: Electronic Billboards

Notes:

Sponsors:

Enactment Date:

Attachments: Electronic Billboards FINAL

Enactment Number:

Deed #:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File 0441-18

Title

Electronic Billboards

Digital Billboards

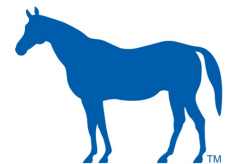
Environmental Quality and Public
Works Committee

April 24, 2018

Department of Planning, Preservation and Development

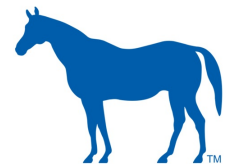
Digital Billboards

- Current Billboard regulation
- Key issues in Digital Billboard regulation
- Sample Elements of ordinance
- Next Steps



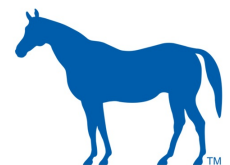
Digital Billboards-Current Ordinance

- Digital Billboards not permitted
- Advertising signs (billboards) allowed in B-3, B-4, I-1 and I-2 zones.
- Must abut a federal or state highway.
- Shall not exceed 40 feet in height and 400 sq ft in area.
- Not permitted within 150 feet of any residential zone.
- Must be set back 20 feet from street right-of-way.
- Generally, no closer than 500 feet from another billboard.



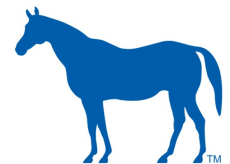
Digital Billboards-Research

- American Planning Association
- Nashville
- Cincinnati
- San Diego
- Pasco Florida
- Allen Park Michigan



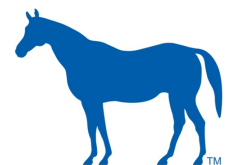
Digital Billboards-Key Issues

- Brightness of signs
 - Lux, Foot candles
 - Timing of measurement
- Message hold times
- Transition method
- Transition duration
- Area/Square footage
- Content neutrality issues



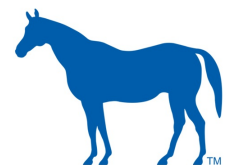
Digital Billboards-Key Issues

- Identify specific locations suitable for electronic billboards.
- Prohibition of animation-only static digital copy allowed.
- Provisions for public/community benefit messaging.
- Conversion/removal ratio.



Digital Billboards-Sample Elements

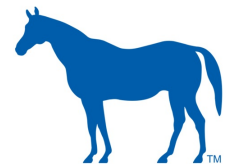
- Billboard ordinance:
 - Digital billboards must comply with all aspects of the sign ordinance with regards to the location, size and siting of non-digital billboards.



Digital Billboards-Sample Elements

■ Orientation:

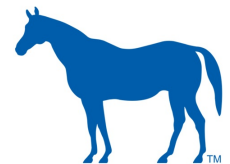
- Digital billboards shall be oriented towards and viewable from the roadway.
- Only one digital billboard face shall be viewable from any one direction at an intersection.
- No digital billboard shall be closer than 2,500 feet per visible direction of travel from another digital billboard.



Digital Billboards-Sample Elements

■ Brightness:

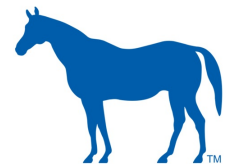
- The maximum brightness shall not exceed .02 foot candles over ambient light levels measured within 150 feet of the sign. Certification must be provided to the City as a condition of permitting.
- The digital billboard must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions.



Digital Billboards-Sample Elements

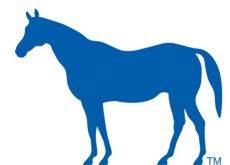
■ Brightness:

- At least 30 minutes following sunset, a light meter shall be used to obtain an ambient light reading for the location. This reading is done with the sign off or on black copy.
- The sign shall then be turned on to full white copy and a reading with a light meter made at the same location.
- If the difference between the two readings is .02 foot candles or less, the brightness is properly adjusted.



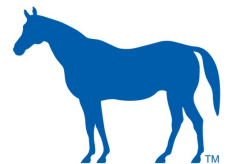
Digital Billboards-Sample Elements

- **Message hold time & transition:**
 - The display or message on a digital billboard, of any type, may change no more frequently than once every eight (8) seconds with a transition of two (2) seconds or less.
 - Digital messages and transitions must be static in nature with no flashing or motion of light.



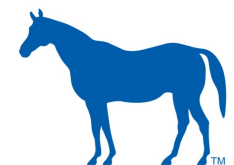
Digital Billboards-Sample Elements

- Area/Square Footage:
 - No digital billboard shall exceed 400 square feet in area.



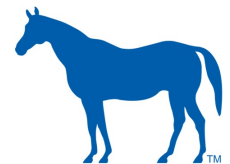
Digital Billboards-Cautions

- Enforcement of lighting and copy timing will be extremely challenging.
- Other land uses have already asked for on-premise digital signs:
 - Churches and Schools
- Expect additional business land uses to want on-premise digital signage:
 - Pharmacies and Convenience stores
 - Fast food restaurants
- Distracted Driving



Digital Billboards-Next Steps

- Council discussion
 - Council sub-committee
 - PC or Council initiation of text amendment
- Formal Draft
- Planning Commission review
 - Public Discussion and input
- Council Committee Review
- Bluesheet process



Questions?



Lexington-Fayette Urban County Government

Master

200 E. Main St
Lexington, KY 40507

File Number: 0442-18

File ID: 0442-18

Type: Committee Item

Status: Agenda Ready

Version: 1

Contract #:

In Control: Environmental
Quality and Public
Works Committee

File Created: 04/19/2018

File Name: 4. MS4 Update Pursuing Illicit Discharges
to Resolve an Enforcement Action

Final Action:

Title: MS4 Update Pursuing Illicit Discharges to Resolve an Enforcement Action

Notes:

Sponsors:

Enactment Date:

Attachments: 2018 MS4 Program Update and SEP Presentation
EQPW Comm, SEP Scope of Work Draft for EQPW
Committee 04242018

Enactment Number:

Deed #:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 0442-18

Title

MS4 Update Pursuing Illicit Discharges to Resolve an Enforcement Action

Municipal Separate Storm Sewer System (MS4) Program Update

Pursuing Illicit Discharges to Resolve an Enforcement Action

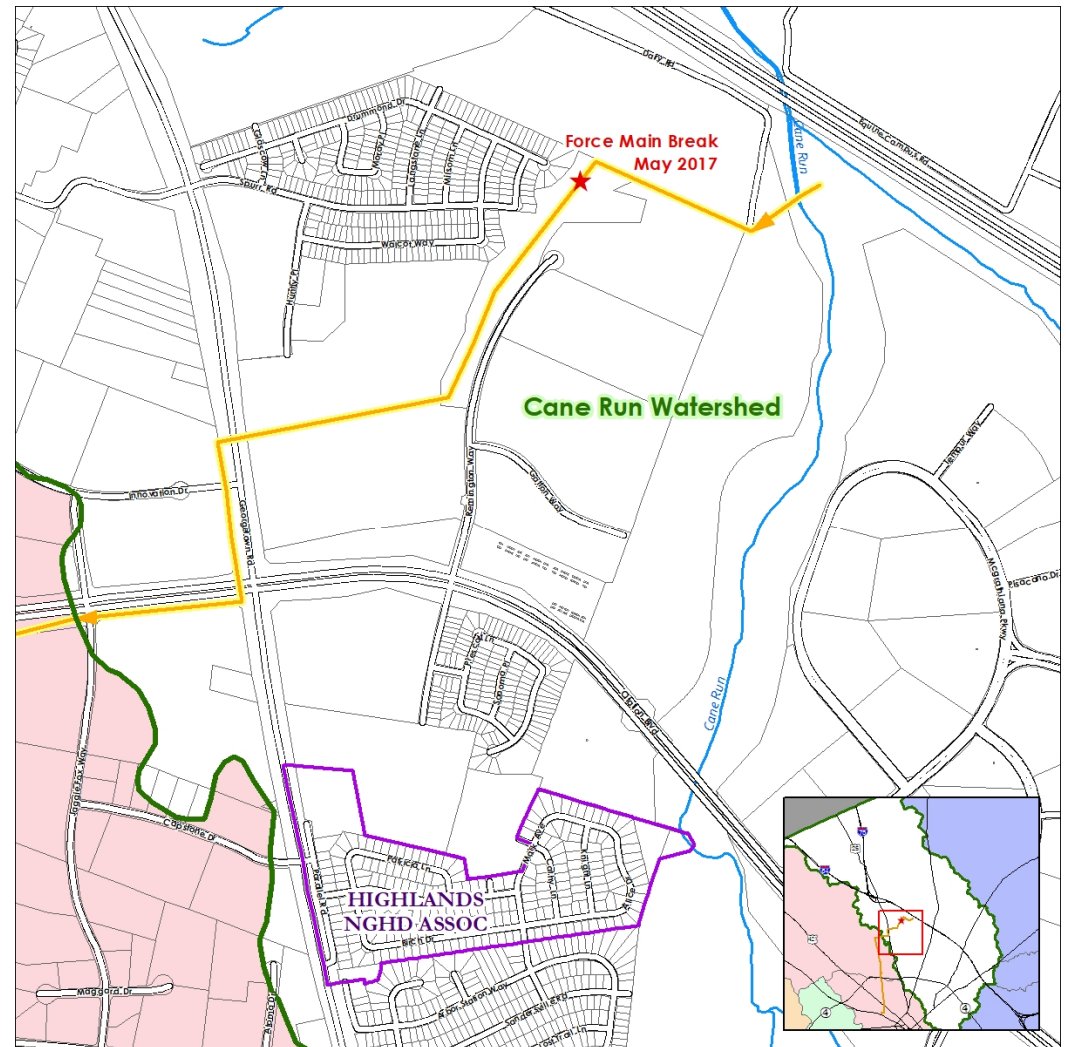
April 24, 2018



LEXINGTON

AGENDA

- Reason for the Update
 - Pending Enforcement Action
 - Permit Requirement
- DWQ's Recommendation
- Next Steps



Pending Enforcement Action

- In regard to intermittent releases of raw sewage from the broken Lower Cane Run Force Main during April and May 2017
- Council notifications provided:
 - Six throughout early May 2017
 - Final update on July 13, 2017
 - one still unresolved issue: the potential for a fine levied by state



Pending Enforcement Action

- State Enforcement Timeline:

State Action	Date
Notice of Violation	May 17, 2017
Enforcement Referral	October 24, 2017
Request to Appear	December 7, 2017

State's Enforcement Proposal

- Develop a written Standard Operating Procedure (SOP) to mitigate risks for future, similar incidents: **COMPLETE**
- Pay a penalty of \$17,500 or complete a Supplemental Environmental Project (SEP) with a minimum investment of \$35,000: **TODAY'S DISCUSSION**

DWQ’s Evaluation of Potential SEPs

1. Must be environmentally beneficial and not required for compliance purposes.
2. Should be located in watershed where pipeline break occurred.

Option	Risks?	Rewards?
Stream Restoration	Private property conflicts / Long-term O&M obligation / Permitting effort substantial	Well known and documented.
Litter Management	Long-term O&M obligation / Technology limitations	Well known and documented.
Private Lateral Pilot Program	Private property conflicts / Creating and launching a new program as a SEP	Expected to provide water quality data to determine if this program should become a long-term initiative within the stormwater quality management program.

DWQ's Recommendation: *Private Lateral Pilot Program SEP*

- Fund the investigation and repair / replacement of privately-owned sanitary sewer service laterals within the Highlands Subdivision.
 1. DWQ Contractors would conduct the investigations.
 2. Homeowners would contract with plumbers to make the repairs.
 3. DWQ would reimburse homeowners up to a reimbursement value based on the plumber's cost estimate.
- In the event of low participation within the project area, fund tree plantings at specific Parks locations within the Cane Run watershed.
- Spend a minimum of \$35,000 on the SEP.

Why Recommend This SEP?

Knowledge About the Neighborhood

- Homes built mid- to late-1950s
- Prevalence of Orangeburg pipe
- 2011 Sanitary Sewer Assessment found multiple properties with sewer defects via smoke testing

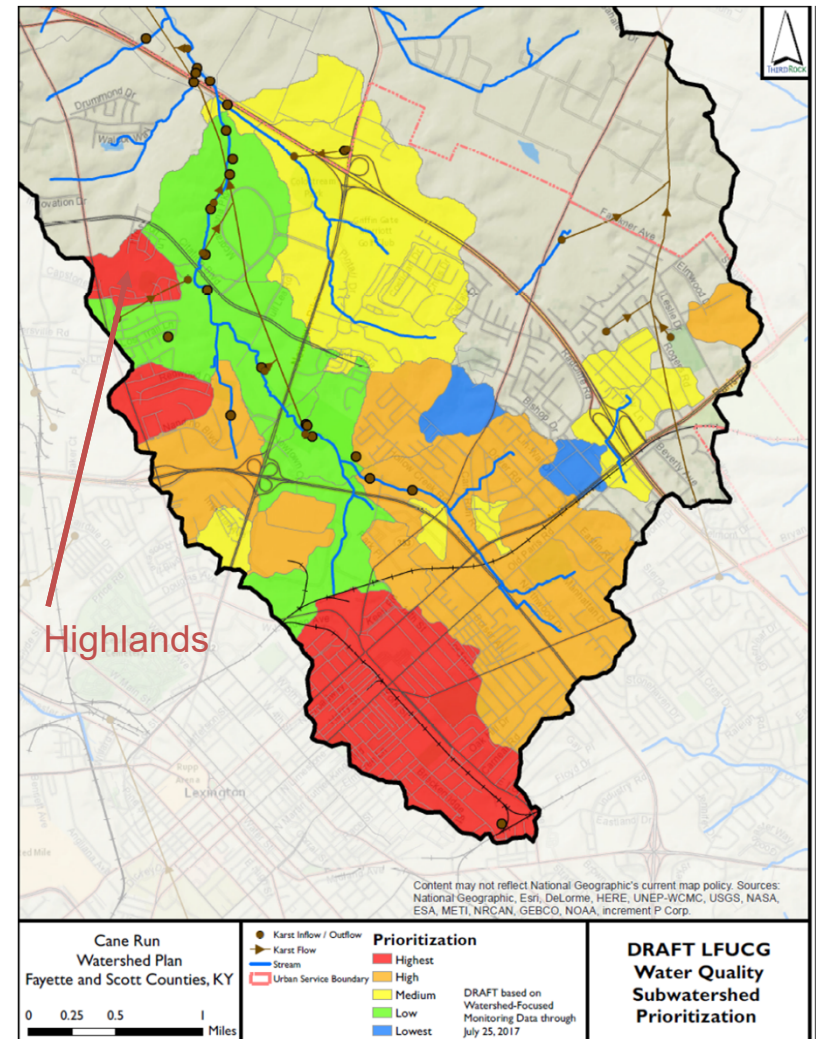
Defect Details: Defect 7124			
Address/Location:	1932 ALICE DR	Runoff Potential:	Sheeting
Defect Type:	Hole In Ground	Smoke Rate:	Medium
Distance From US MH:	Downstream 187 ft	Drainage Area (sq ft):	< 500
Distance Off Line:	Right 23 ft	Elevation:	At Grade
Date/Time:	11/24/2010 / 8:49 AM	Surface Cover:	Grass / Open Area
Public/Private:	Private		
Comments:	Smoking from holes at base of tree		
Area Photo:	SD20101124EVAELD5110	Zoom Photo:	SD20101124EVAELD5111



Why Recommend This SEP?

Watershed-Focused Monitoring Program Data

- Cane Run sampled from Fall 2016 through Summer 2017
- 14 monitoring events
- 10 events with flow at Highlands site
- *E. coli* - 100% of Highlands site samples above water quality criteria and benchmark (>1,000 to over 230,000 colonies/100mL)



Why Recommend This SEP?

Stormwater Stakeholder Advisory Committee's Input

Category	% Contribution	% Resources
Human	51	65
Sanitary Sewer System	23	27
Private Lateral Lines	15	24
Other Human Waste	13	14
Animal	39	27
Livestock	15	11
Domestic Pets	10	9
Urban Waterfowl	9	6
Other Urban Wildlife	4	2
Environmental / Other	10	8
Litter and Dumpsters	4	7
Bed Sed. / Slimes / Biofilms	5	2

Why Recommend This SEP?

SSAC's Input

2nd place

3rd place

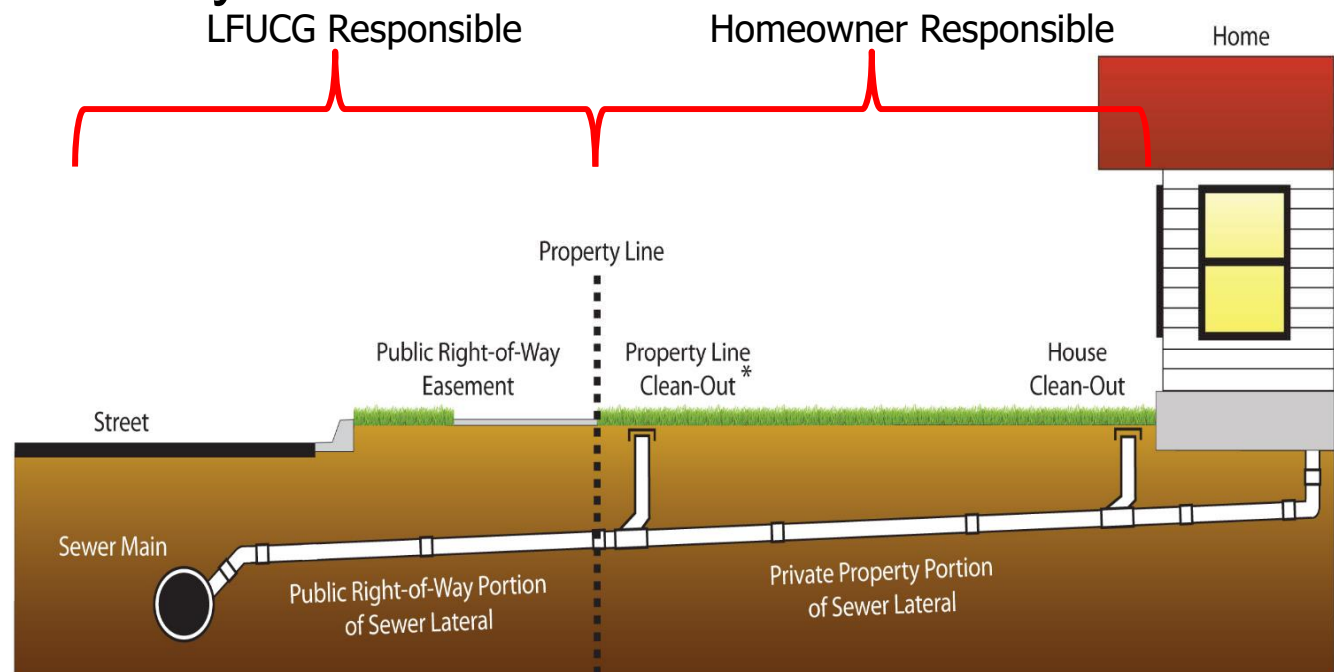
- A. Review and update smoke testing, LexCall, other targeting databases
- B. Identify priority areas for possible project sites
- C. Implement demonstration projects in high priority areas
- D. Develop incentive program to cost-share lateral line replacements**
- E. Ordinance requiring verification of lateral integrity (*e.g.*, time of sale)

Top Option →

Why Recommend This SEP?

Addresses Gap Not Covered by Consent Decree

- Capital Projects to Improve City-Owned Infrastructure
- Improvements to Management, Operation, and Maintenance of City-Owned Sewers



Why Recommend This SEP?

Model the Approach Used in Previous Program

- Sump Pump Redirect Program
- Templates available:
 - Explanation of the Program
 - FAQs Document
 - Agreement to Conduct Lateral Testing



Next Steps

- Finalize SEP requirements document based on EQPW Committee's recommendations / endorsement.
- Confirm State's endorsement of SEP requirements document.
- Blue Sheet for Mayor's signature.
- Conduct neighborhood meeting and commence SEP implementation.
- Finalize data and lessons learned into a SEP Completion Report for state approval / future MS4 program development.



Questions?

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4-9-18

SUPPLEMENTAL ENVIRONMENTAL PROJECT

In further consideration of the settlement with the Commonwealth of the action resolved by this Agreed Order, LFUCG shall timely perform the Cane Run Private Lateral Pilot Program Supplemental Environmental Project (SEP) as set forth below. The total expenditure for the SEP shall not be less than \$35,000. If LFUCG fails to complete the SEP by the date specified or fails to expend \$35,000 to complete the SEP, LFUCG shall pay to the Commonwealth the entire \$17,500 stipulated penalty. Such payment shall be due and payable no later than 45 days after the SEP completion deadline. Alternatively, LFUCG may propose, and the EEC shall consider, a one-time SEP completion deadline extension of not more than 120 days or additional SEPs, beyond those outlined below, for which the total expenditure shall not be less than the difference between its documented SEP expenditures and \$35,000.

LFUCG shall submit to EEC a SEP Completion Report no later than sixty (60) days from the date for completion of the SEP set forth below. The report shall contain the following information: (a) a detailed description of the SEP as implemented; (b) a description of any implementation problems encountered and the solutions thereto; (c) itemized costs; (d) certification that the SEP has been fully implemented pursuant to the Scope of Work and the provisions of this Agreed Order; and (e) a description of the environmental and public health benefits resulting from implementation of the SEP.

Project Purpose

The primary goal of this SEP is to address one of the suspected significant sources of *Escherichia coli* pollution detected in the Cane Run watershed, including both the Municipal Separate Storm Sewer System (MS4) and Cane Run Creek. This goal can be attained by implementing the Cane Run Private Lateral Pilot Program in the Highlands neighborhood. The age of the homes, previous Sanitary Sewer Assessment (SSA) findings, and implementation of LFUCG's Watershed-Focused Monitoring Program in Cane Run have all but confirmed that the Highlands neighborhood has homes with broken or deteriorated sewer line laterals which are exfiltrating sewage that is reaching LFUCG's MS4 and the Waters of the Commonwealth.

Already this year, LFUCG has replaced the vitrified clay pipe under Knight Lane in the Highlands subdivision as part of its Inflow and Infiltration Elimination Program; and within the next couple of months, LFUCG will replace the sewer pipes under Alice Drive and the associated portions of the laterals owned by LFUCG. While this dig and replace project will improve capacity of the sanitary sewer collection system to an extent, LFUCG sees the opportunity to address the defective privately-owned laterals in conjunction with the work on the publicly-owned system, as a holistic approach to reducing inflow and infiltration (I/I) to the sanitary sewer collection system and preventing untreated sewage from reaching Cane Run.

LFUCG has additional data and information indicating that leaking private laterals are not just an issue for one neighborhood in one watershed, but are a suspected source of *E. coli* pollution in multiple neighborhoods throughout the city. By focusing this proposed pilot program in one neighborhood, we can monitor and evaluate the program implementation's effectiveness and

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4-9-18

determine if it is a viable long-term program that can be implemented in other parts of Fayette County.

Cane Run Private Lateral Pilot Program SEP

Project Scope

In order to implement the Cane Run Private Lateral Pilot Program, LFUCG will have to complete the following tasks:

1. In order to initiate the program, the Urban County Council's Environmental Quality and Public Works (EQPW) Committee will need to endorse the concept of the program, including funding it. The earliest date that the program could be presented to the Committee is April 24, 2018.
2. LFUCG will prepare outreach materials and sample agreement contracts for the property owners in the Highlands neighborhood.
3. LFUCG will contact property owners in the Highlands neighborhood to explain the program and to engage their participation.
4. LFUCG will conduct confirmatory smoke testing to identify properties with private laterals in need of repair or replacement.
5. If warranted, LFUCG will conduct additional investigations to determine if there is a need to sub-categorize the laterals as repair or replace or if the best approach is to proceed with the replace only option.
6. LFUCG will determine the maximum reimbursement rate for repaired laterals and replaced laterals and the unit basis for the reimbursement rate(s).
7. LFUCG will notify state-licensed plumbers about the program, so that they may respond timely to requests for quotes.
8. LFUCG will guide property owners who are eligible to participate in the program through the steps to complete the repair / replacement work and obtain their reimbursement.
9. LFUCG will document the completion of the work and authorize reimbursement to the property owner.
10. LFUCG will conduct post-project water quality monitoring to measure reductions in *E. coli* pollution.

Project Costs

LFUCG shall spend at least \$35,000 to implement the Cane Run Private Lateral Pilot Program SEP. The following costs may be counted as allowable project costs:

- Contracted costs for investigation and identification of compromised lateral lines.
- Contracted costs for evaluating which properties' laterals are eligible for replacement versus repair and the allowable maximum reimbursable costs associated with each remedy.
- Contracted costs for neighborhood communications to educate homeowners about the benefits of the pilot program and how they can participate.
- All costs for reimbursing eligible property owners who satisfactorily complete the lateral repair or replacement.

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4-9-18

- Contracted costs to inspect and verify that the fixed private lateral is watertight and meets current applicable State Plumbing Code requirements.
- Costs to conduct post-project water quality monitoring to measure reductions in *E. coli* levels, including microbial source tracking (MST) analysis.

SEP Supplement

LFUCG has identified inherent risks associated with full implementation of the Cane Run Private Lateral Pilot Program, which may result in a failure to reach the required \$35,000 SEP expenditure. The riskiest aspects of this pilot program concern private citizens who 1) may not want LFUCG staff or contractors accessing their property, 2) may not want to participate in the program, and 3) may not complete the steps required to receive a reimbursement for the project-related work.

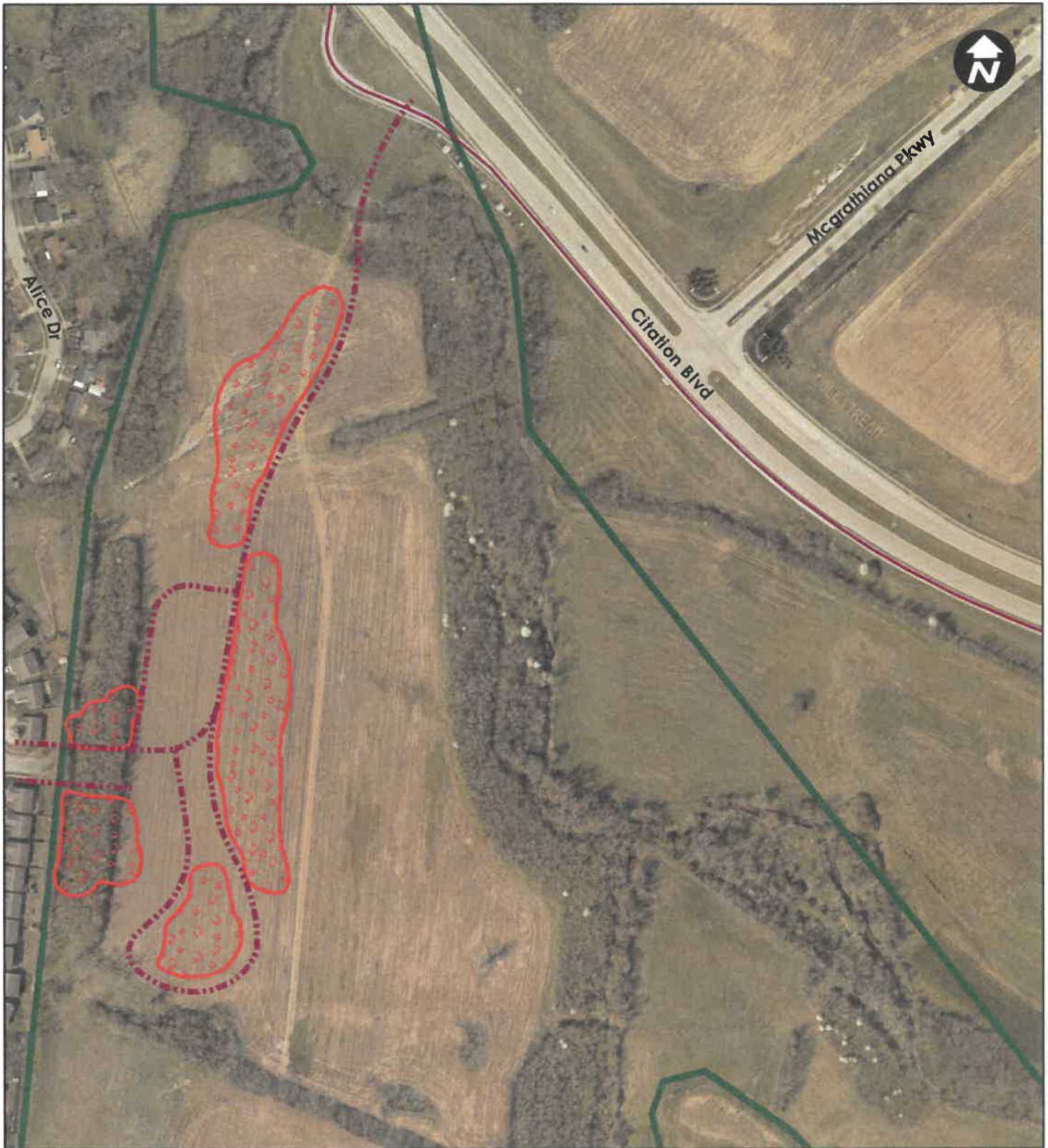
Since the risks identified above cannot be mitigated by LFUCG, LFUCG shall obligate the difference between its documented Cane Run Private Lateral Pilot Program expenditures and the required \$35,000 SEP expenditure, to plant trees in up to four city-owned parks in the Cane Run watershed, prioritized as follows:

1. Coldstream Park – 1850 Pisacano Drive (near the end of Sandersville Road)
2. Mary Todd Park – 525 Rogers Road
3. Highlands Park – 1991 Mark Avenue
4. Marlboro Park – 1870 Benton Place

Exhibits 1 through 4 show the proposed tree planting locations. The trees will be container-grown or ball-and-burlap trees and will be planted during the dormant season to promote long-term survivability. The trees will reduce Lexington's carbon footprint and will provide stormwater management by reducing rainfall runoff volumes and improving the water quality of any runoff.

Project Schedule

LFUCG shall complete the SEP within twelve months of the date of execution of this Agreed Order. The EQPW Committee must endorse the Cane Run Private Lateral Pilot Program prior to the inclusion of this SEP as a component of this Agreed Order.



- Proposed Trail
- Existing Trail
- Proposed Tree Planting Area
- Park

Exhibit 1

Proposed Tree Planting Areas

Coldstream Park

1 inch = 250 feet



- Proposed Trail
- Existing Trail
- Proposed Tree Planting Area
- Park

Exhibit 2
Proposed Tree Planting Areas
Mary Todd Park

1 inch = 150 feet



- - - - Proposed Trail
- Existing Trail
- 🌳 Proposed Tree Planting Area
- Park

Exhibit 3

Proposed Tree Planting Areas

Highlands Park

1 inch = 100 feet



- Proposed Trail
- Existing Trail
- ⊡ Proposed Tree Planting Area
- ▭ Park

Exhibit 4 Proposed Tree Planting Areas Marlboro Park

1 inch = 150 feet



Lexington-Fayette Urban County Government

Master

200 E. Main St
Lexington, KY 40507

File Number: 0443-18

File ID: 0443-18

Type: Committee Item

Status: Agenda Ready

Version: 1

Contract #:

In Control: Environmental
Quality and Public
Works Committee

File Created:

File Name: Proposed Public Works Skills Academy

Final Action:

Title: Proposed Public Works Skills Academy

Notes:

Sponsors:

Enactment Date:

Attachments: Public Works Academy -Environmental Quality
Public Works Presentation

Enactment Number:

Deed #:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 0443-18

Title

Proposed Public Works Skills Academy

LFUCG PUBLIC WORKS SKILLS ACADEMY (PWSA)

Environmental Quality and Public Works
Committee

April 24, 2018



LEXINGTON



Background

- In November 2017, the Urban County Council challenged the Department of Environmental Quality & Public Works to devise a plan addressing the LFUCG’s CDL Driver shortage.
- Currently, there are at least twenty-six (26) vacancies that require a CDL license.
- The Division of Streets and Roads, together with the Workforce Development Manager in the Mayor’s Office, have outlined a plan to create a Public Works Skills Academy (PWSA).
- The PWSA will train “interns” to obtain the CDL Permit and License, and will provide job training in other Public Works Divisions **with no personnel cost to LFUCG.**



Internships

- Paid internships for the Academy would be provided through federal WIOA (Workforce Innovation and Opportunity Act) funding via BGADD and ResCare which together will support the city's PWS Academy.
- LFUCG and ResCare will work together to establish an application system for those who are interested in applying for the Academy.
- WIOA funds will go towards: a) hourly wage for interns, b) benefits, c) cost of the program materials, d) CDL related expenses, e) new hire expenses (drug screen, background check, motor vehicle record).



Proposal

- Program would consist of approximately 8 weeks of training in various divisions within Environmental Quality & Public Works.
- An additional 8 weeks of job training is an option that will be available after CDL training is completed. Graduates could directly apply for unclassified positions.
- The Academy will consist of 2 training sessions per year, enrolling 6 interns per training session. Thus, 12 people will potentially complete the program per year.
- For FY'19, the objective is to have 6 people accepted into the PWA for this year with a start date of September 2018 and end date of October 2018.
- If successful, there is room for expansion of the Academy and inclusion of other divisions such as Parks and Facilities Management.



Project Curriculum (Weeks 1-2)

- Interns will successfully complete the CDL permit exam, practice Pre-Trip Inspections, Basic Driving Control Skills, and drive time in preparation for the CDL road test.
- Additional training will be provided by Risk Management on Defensive Driving and Sexual Harassment Prevention training will be provided by Human Resources.



Project Curriculum (Weeks 3-8)

- Interns will be certified for First Aid, AED, and CPR as well as Basic Flagging for the work zone.
- Interns will rotate between Public Works divisions learning various skills.
- Upon completion of the program, interns will have CDL work experience and additional job experience in other LFUCG Divisions.



Liability

- Interns will be paid through ResCare and will be ResCare employees. The intern wage will be commensurate with the pay scale of LFUCG’s Public Service Workers. ResCare will provide Workers Compensation coverage for Interns.
- Interns will receive training using city vehicles. Risk Management has determined that Excess Auto Liability policy will respond to any incidents where a non-employee driver of an LFUCG vehicle, “with permission from the responsible LFUCG representative” is covered in the event of an accident.



Admission criteria

- Must be 21 years old
- Must have a valid KY driver's license
- Must have a HS diploma or GED
- Must be able to pass a DOT physical exam
- Must be able to pass a DOT drug screen (5 panel)
- Must be able to pass the written CDL exam
- Must be able to pass a Criminal Background Check (pending a decision from LFUCG HR department)
- Must go through an interview process with ResCare and LFUCG staff

** Interns can also be referred to ResCare by LFUCG employees at which time they will be screened to see if eligibility requirements are met.



Next Steps

- Program orientations will be scheduled in August 2018 for those interested in the program.
- We will devise a marketing plan for advertising the position within the city and with our partners.
- First CDL class scheduled for 8 weeks beginning in September 2018.



Questions?



Lexington-Fayette Urban County Government

Master

200 E. Main St
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Quality and Public
Works Committee

File Created: 04/19/2018

File Name: Items Referred to Committee

Final Action:

Title: Items Referred to Committee

Notes:

Sponsors:

Enactment Date:

Attachments: Copy of EQPW_Referrals 2018 03 13

Enactment Number:

Deed #:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 0444-18

Title

Items Referred to Committee

Environmental Quality & Public Works Committee

Referral Item	Referred By	Date Referred	Last Heard	Status	File ID
1 Maintenance of streets in transition from development to completion, which will ultimately be turned over to LFUCG	Worley	September 20, 2016	February 21, 2017		0206-17
2 Solid Waste - Trash Compactors follow-up from 5-year plan discussion	Moloney	August 22, 2017			
3 Curbs	Gibbs	July 7, 2015	October 24, 2017		1154-17
4 LED Franchise Agreement for Kentucky Utilities, LED Street Light Tariff, Identify LFUCG Street Light Ownership Opportunities	Farmer	May 1, 2016	October 24, 2017		1156-17
5 Beaumont Traffic Study	Bledsoe	May 16, 2017	November 14, 2017		
6 Man O War Small Area Plan Study	Stinnett		September 19, 2017		1022-17
7 Fiber Optic Technology	Farmer	May 6, 2014	September 19, 2017		0921-17
8 Review of Salt Equipment	Moloney	January 30, 2018			
9 Artwork on Utility Boxes (policy / framework)	Bledsoe	January 16, 2018		February 20, 2018	0194-18
10 Explore Lexington's Sustainability options	Mossotti	February 20, 2018			
11 Review of current Tax District Change Policy	Plomin	March 13, 2018			
12 Consideration of a lower speed-limit on recently swapped roads	Gibbs	March 13, 2018			
13 Additional Household Hazardous Waste Collection Day	Farmer	March 13, 2018			
Annual/Periodic Updates:					
14 Review & Update Snow & Ice Control Plan / Annual Update	Stinnett / F. Brown	February 15, 2014	September 19, 2017	September 18, 2018	1025-15
15 Leaf Collection Plan	Farmer		October 24, 2017	October 23, 2018	1155-17
16 Division of Water Quality Projects	Farmer		November 14, 2017	May 15, 2018	0424-17
17 Stormwater Priority List	Farmer	February 20, 2018		May 15, 2018	
18 Update by the Administration and LexTran re: CNG conversion and use	Farmer	October 25, 2016	January 24, 2017		0073-13
19 Bicycle Lanes -- Location and Timing- annual update	Stinnett	November 1, 2016	November 14, 2017	November 13, 2018	
20 Annual status update on the Energy Improvement Fund	Farmer	January 1, 2017	January 23, 2018	January, 2019	0074-17
21 Keep Lexington Beautiful Annual Report	Henson	March 10, 2015	February 20, 2018	February, 2019	0192-18
22 Pavement Plan	F. Brown	January 16, 2018		April 24, 2018	
Presentation and Follow Up Items					
23 Glass Recycling	Henson	January 23, 2018		April 24, 2018	0440-18
24 Electronic Billboards	Stinnett	February 28, 2017	January 23, 2018	April 24, 2018	0441-18
25 MS4 Program Update Pursuing Illicit Discharges to Resolve an Enforcement Action	Farmer	September 8, 2015	November 14, 2017	April 24, 2018	0442-18
26 Proposed public works skills academy	Farmer	March 6, 2018		April 24, 2018	0443-18